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8 **Attorneys for Plaintiff,**  
9 **PHOENIX SOLUTIONS, INC.**

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO**

13 PHOENIX SOLUTIONS, INC., a  
14 California corporation,

15 Plaintiff,

16 v.

17 WELLS FARGO BANK, N.A., a  
18 Delaware corporation,

19 Defendant.

CASE NO. CV08-0863 MHP

**DECLARATION OF DR. IAN  
BENNETT IN SUPPORT OF  
PLAINTIFF PHOENIX SOLUTIONS,  
INC.'S BRIEF RE: DEFENDANT  
WELLS FARGO BANK, N.A.'S  
PROPOSED PROTECTIVE ORDER**

**Hon. Marilyn H. Patel**

TROJAN LAW OFFICES  
 BENTLEY BILLS

**DECLARATION OF DR. IAN BENNETT**

I, Dr. Ian Bennett, declare as follows:


1. I am the founder and owner of Phoenix Solutions, Inc. ("Phoenix"), the Plaintiff in this action. I have personal knowledge of the facts stated herein. If called upon to do so, I could and would competently testify that:

2. I am a named inventor of the patents-in-suit, which are owned by Phoenix. Phoenix does not make or sell speech recognition systems under the patents-in-suit, nor does Phoenix have any plans to do so. Phoenix is a small company, owned and operated solely by myself, and so has very limited resources.

3. Mr. J. Nicholas Gross is Phoenix's only patent counsel. Mr. Gross has prosecuted patents for Phoenix for the past nine years. I do not discuss business operations with Mr. Gross, nor do I request his advice outside of the patents he prosecutes for Phoenix. Due to Phoenix and Mr. Gross's long-term relationship, Mr. Gross is exceptionally familiar with the technologies of Phoenix's patents and pending patents. Forcing Phoenix to hire an additional expert consultant for either patent prosecution or litigation would be an excessive burden upon Phoenix. Spending the time and resources to educate the consultant on the nine-year prosecution relationship between Phoenix and Mr. Gross as well as the litigation at hand would be an unduly and unfair burden upon Phoenix. This is especially true considering that Phoenix is a very small company with very limited resources.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8<sup>th</sup> day of September, 2008, in Burtonsville, Maryland.

  
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 Dr. Ian Bennett

Declaration of Dr. Ian Bennett in Support of  
 Plaintiff's Brief re: Defendant's Proposed  
 Protective Order

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